IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 2256 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KOLI PATEL NAGARBHAI BHAGWANBHAI

Versus

KOLI PATEL RAISANG UKABHAI

Appearance:

MR SURESH M SHAH for Petitioner

MR NAVIN PAHWA for M/S THAKKAR ASSOC. for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 20/01/2001

ORAL JUDGEMENT

1. Koli Patel Nagarbhai Bhagwanbhai - petitioner original plaintiff has filed this application under Sec.115 of the Code of Civil Procedure (hereinafter referred to as `the Code') against the judgment and order dated 13th December, 1995, passed by the learned

Assistant Judge, Surendranagar, in Civil Misc. Appeal No.94/95. The learned Judge by his judgment and order pleased to allow the appeal and quash and set aside the order below Exh.5 in Regular Civil Suit No.53 of 1995 passed by the learned Civil Judge (J.D.) Limbadi.

2. The aforesaid revision application has been admitted by this Court on 19th December, 1995, and the Court was pleased to grant interim relief staying the judgment and order passed by the learned Assistant Judge, Surendranagar, in Civil Misc. Appeal No.94/95.

3. When the matter reached herein, Mr.Mehul S.Shah, learned advocate for the petitioner and Mr.Navin Pahwa, learned advocate on behalf of respondent appeared. I have heard the learned advocates for the parties at length. Without adjudicating the matter on merits, the learned advocates for both the parties requested to this Court to give some suitable directions to the trial court to meet the ends of justice. Hence, I pass the following order:

4. Regular Civil Suit No.53 of 1995 which is pending before the learned Civil Judge (J.D.), Limbadi, I request the learned trial Judge to dispose of the said suit as expeditiously as possible preferably by 31st July, 2001, as the said suit is pending since 1995. Meanwhile, interim relief which was granted by this Court dtd.19.12.1995 for staying the judgment and order dtd.13.12.1995 passed by the learned Assistant Judge, Surendranagar, in Civil Misc. Appeal No.94/95 to continue till final disposal of the said suit. The learned trial Judge will decide independently without influencing the order of this Court and the order of the appellate Court. I hope and trust that the learned trial Judge will dispose of the suit latest by 31st July, 2001. With the aforesaid direction, this Civil Revision Application stands disposed of accordingly. Rule is discharged to the aforesaid extent. The parties shall bear their own cost.

(K.M. Mehta, J.)

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